

EXECUTIVE COUNCIL OF IOWA AGENDA

State Capitol - Robert D. Ray Conference Room (G09) 10:00 a.m.

APRIL 29, 2013

1. Introduction of Attendees
2. Approval of minutes of meeting held April 15, 2013
3. Personal Appearance –
 - A. Marvin Shultz, Department of Human Services will be present to request a Resolution of Funds for the disasters in Cedar, Johnson, Mahaska, Scott and Washington Counties in the amount of \$500,000.00 pursuant to House File 896 Section 1.
TAB # 1
4. Outside Counsel – Page 1
TAB # 2
5. Leases – Page 1
6. Payment of Cost Items – Pages 2 - 3

4. **Outside Counsel**

- A. The Department of Justice, Attorney General's office requests retention of special counsel pursuant to Iowa Code section 13.3(1) in K.C. Feldbauer v. Fort Dodge Correctional Facility and the Second Injury Fund of Iowa, a workers' compensation case filed by a state employee.

Firm: Patterson Law Firm, L.L.P.

Attorney: Ryan Clark

505 5th Avenue

Suite 729

Des Moines, Iowa 50309

Rate: \$80.00 per hour

TAB # 2

5. **Leases**

- A. Lease between DNR and Isle of Capri Bettendorf, L.C.
Date of Lease: Three Years ending November 30, 2015
Legal Description: A portion of the bed of the Mississippi River approximately 207 feet in length and approximately 180 feet in width located in Section 33, Township 78N, Range 4E, Scott County, Iowa, at Mississippi River Mile 486.2.
Annual Fee: \$2,645.00
- B. Lease between DNR and Fidelity Properties Ltd.
Date of Lease: Five Years ending December 31, 2017
Legal Description: An irregular strip of the bed of East Okoboji Lake adjoining Government Lot 5 in Section 20, Township 99N, Range 36W, Dickinson County, Iowa.
Annual Fee: \$1,383.00
- C. Lease between DNR and CHS, Inc.
Date of Lease: Five Years ending May 31, 2018
Legal Description: A portion of the bed of the Mississippi River approximately 215 feet of frontage by 45 fee depth located in Section 25, Township 77 North, Range 2 East of the 5th P.M. at Mississippi River Mile 475.7 in Scott County, Iowa.
Annual Fee: \$1,500.00

David Dorff, Assistant Attorney General, has reviewed the above leases and approved the leases as to form.

6. **Payment of Cost Items**

- A. LaMarca & Landry, P.C.....\$65,532.25
1820 N.W. 118th Street, Suite 200
Des Moines, IA 50325
Godfrey v. State of Iowa et al, civil rights complaint

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment.

- B. Huber, Book, Cortese & Lanz, P.L.L.C.\$2,990.08
2700 Westown Parkway, Suite 170
West Des Moines, IA 50266-1411
Pam O'Brien v. Iowa Attorney General, State of Iowa and the Second Injury Fund

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment.

- C. Patterson Law Firm L.L.P..... \$264.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
David Ozolins v. University of Iowa and Second Injury Fund of Iowa

- D. Patterson Law Firm L.L.P..... \$816.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Pam O'Brien v. Iowa Attorney General, State of Iowa and the Second Injury Fund

- E. Patterson Law Firm L.L.P..... \$81.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
William Gehle v. Iowa State Penitentiary, State of Iowa and the Second Injury Fund

- F. Patterson Law Firm L.L.P..... \$144.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Kenneth Kincaid v. Iowa Department of Transportation, State of Iowa and the Second Injury Fund.

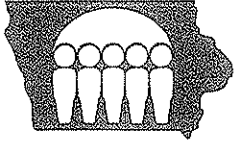
G. Patterson Law Firm L.L.P..... \$115.00
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
Angel Tew v. Department of Revenue, State of Iowa and the Second Injury Fund

H. Patterson Law Firm L.L.P..... \$101.50
729 Insurance Exchange Building
505 Fifth Avenue
Des Moines, IA 50309-2390
David Boal v. University of Iowa, State of Iowa and the Second Injury Fund.

Julie Pottorff, Deputy Attorney General, has reviewed these invoices and recommends payment.

I. Davis, Brown, Koehn, Shors & Roberts, P.C..... \$24.00
The Davis Brown Tower
215 10th Street, Suite 1300
Des Moines, IA 50309-3993
Represent Iowa in copyright, trademark, and patent legal advice for various agencies

Julie Pottorff, Deputy Attorney General, has reviewed this invoice and recommends payment. Payment will be made from the funds of the Iowa Economic Development Authority.



TAB # 1

Iowa Department of Human Services

Terry E. Branstad
Governor

Kim Reynolds
Lt. Governor

Charles M. Palmer
Director

April 23, 2013

Executive Council
Attn: GeorgAnna Madsen
Capitol Building
LOCAL

2013 APR 23 11:05 AM
LOCAL

Item: Governor Proclamation of a State of Disaster Emergency – Request for Funds

Dear Ms. Madsen:

Per the Governor Disaster Declaration, I am requesting funding for the Iowa Individual Assistance Grant Program be placed on the Executive Council Agenda for Monday, April 29, 2013. The Iowa Department of Human Services is requesting the Executive Council adopt a Resolution for Funds in the amount of \$500,000.00 for Cedar, Johnson, Mahaska, Scott, and Washington Counties pursuant to House File 896 Section 1 to distribute funds to individuals or families to replace/repair items affected by the disaster emergency which cannot be met by other means of financial assistance.

The account coding for the funds to be transferred will be:

Dept Fund Appr Org
401 0391 0000 1304_State Only Disaster – April, 2013 Cedar, Johnson, Mahaska,
Scott, and Washington Counties,

Thank you for your assistance.

Sincerely,

Charles M. Palmer
Director

cc: Vern Armstrong
Marvin Shultz
Kris Thomas
Lee Hill



TAB # 2

THOMAS J. MILLER
ATTORNEY GENERAL

2013 APR 25 AM 9:50

JULIE F. POTTORFF
DEPUTY ATTORNEY GENERAL

Iowa Department of Justice

Address Reply To:
1305 E. Walnut Street
Des Moines, Iowa 50319
Telephone: 515/281-3349
Fax: 515/281-4209
Julie.Pottorff@iowa.gov

April 25, 2013

GeorgAnna Madsen
Executive Secretary
Executive Council
State Capitol
L-O-C-A-L

Re: Retention of Outside Counsel

Dear GeorgAnna:

Our office requests appointment of outside counsel pursuant to Iowa Code section 13.3(1) in *K.C. Feldbauer v. Fort Dodge Correctional Facility and the Second Injury Fund of Iowa*, a workers' compensation case filed by a state employee. Because the resolution of this claim may turn on whether the State of Iowa or the Second Injury Fund must pay workers' compensation benefits, our office cannot represent both defendants.

In order to avoid a conflict of interest, the Special Litigation Division has contacted Ryan Clark of the Patterson Law Firm, L.L.P., 505 5th Avenue, Suite 729, Des Moines, Iowa, 50309-2390, to represent the Second Injury Fund. Mr. Clark has agreed to represent the Second Injury Fund at the rate of \$80.00 per. Our office will represent the State of Iowa.

Accordingly, we request Executive Council approval to retain Mr. Clark to represent the Second Injury Fund in this case.

Sincerely,

A handwritten signature in cursive script that reads "Julie F. Pottorff".

JULIE F. POTTORFF
Deputy Attorney General

cc: Julie Burger